

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 06 2006
at _____ o'clock and _____ min. M
SUE BEITIA, CLERK

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE
KAAPUNI ET AL,

Plaintiffs,

vs.

CARLTON HELM, in his
individual capacity, ET AL,

Defendants.

CIVIL NO. CV-04-00449-SOM-LEK

PLAINTIFFS' SPECIAL VERDICT
FORM CERTIFICATE OF
SERVICE

Trial is set for June 14, 2006.

PLAINTIFFS' SPECIAL VERDICT FORM

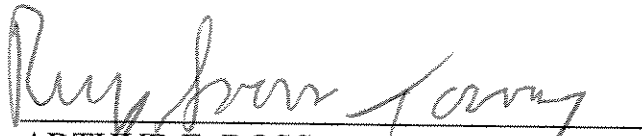
I. INTRODUCTION TO THE SPECIAL JURY FORM

The jury must follow the directions in the Special Verdict Form. The jury must answer all of the questions unless otherwise indicated. To understand what issues are being submitted to you, you may wish to read over the entire Special

Verdict Form before proceeding to answer the questions in numerical order, starting with Question No. 1, because an earlier answer may excuse you from answering a later question. Follow all directions carefully. Answer "yes" or "no" unless otherwise indicated. Each question requires the agreement of all jurors. If you do not understand any question, please communicate with the Court in writing.

Once you have answered these questions, your Foreperson must sign and date this form in the spaces indicated and let the bailiff know that you have reached a verdict.

DATED: Honolulu, Hawaii, June 6, 2006


ARTHUR E. ROSS
RORY SOARES TOOMEY
Attorneys for Plaintiffs

We the jury of the above-entitled action, find the following special verdict on the questions submitted to us:

1. Did the defendants violate the Plaintiffs' Fourth Amendment Right to be free from an unreasonable seizure?

yes

no

If the Answer is yes go on to question two, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

2. Did the Defendants violate the Plaintiffs' Fourth Amendment right to be free from an unreasonable search while they were acting under color of state law?

yes

no

If the Answer is yes go on to question three, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

3. Did the Defendants act unreasonably when the Defendants did not announce their presence, demand entry, and give the Plaintiffs a reasonable time to respond to that demand when they smashed the glass door to the Plaintiffs' home ?

yes

no

If the Answer is yes on to question three is yes go to questions four, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

- 4 Were the Plaintiff damaged as a result of the Defendants' violation of
her Fourth Amendment Right to be free from unreasonable searches?

yes

no

Amount \$ _____

If the Answer is yes on to question four is yes go to questions five through seven, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

5. What percentage of the damages were suffered by

Barbara Kalanikiekie Kaapuni _____ %

Jon Hans Kaapuni, Sr. _____%

Pamela Noholani Kaapuni _____ %

Jon Hans Kaapuni, Jr. %

Fallon Kalanikiekie Kaapuni _____ %

Tyrah Noholani Kaapuni _____ %?

6. What percentage of the Plaintiff's damages are attributable to

Carlton Helm _____%

Christina Williams _____%

Kelly Arlos _____%

Harold Manaois _____ %

Keana Brown _____ %?

7. Do you find that the Plaintiff is entitled to punitive damages from the

Defendants?

yes

No

Amount \$

If the Answer is yes on to question four is yes go to questions five through seven, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

8. What is the percentage of the award of punitive damage that each of the Plaintiffs is entitled to?

Barbara Kalanikiekie Kaapuni	<u> </u> %
Jon Hans Kaapuni, Sr.	<u> </u> %
Pamela Noholani Kaapuni	<u> </u> %
Jon Hans Kaapuni, Jr.	<u> </u> %
Fallon Kalanikiekie Kaapuni	<u> </u> %
Tyrah Noholani Kaapuni	<u> </u> %?

9. What percentage of the Plaintiff's damages are attributable to each of the Defendants?

Carlton Helm	<u> </u> %
Christina Williams	<u> </u> %
Kelly Arlos	<u> </u> %
Harold Manaois	<u> </u> %
Keana Brown	<u> </u> %?

DATED: Honolulu, Hawaii,

FOREPERSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE)	
KAAPUNI, JON HANS)	CIVIL NO. CV-04-00449-SOM-LEK
KAAPUNI, Sr., PAMELA)	
NOHOLANI KAAPUNI, JON)	CERTIFICATE OF SERVICE
HANS KAAPUNI, Jr., FALLON)	
KALANIKIEKIE KAAPUNI,)	
AND TYRAH NOHOLANI)	
KAAPUNI by her best friend)	
JON HANS KAAPUNI, Sr.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CARLTON HELM, in his)	
individual capacity, STAG)	
SAGARIO, in his individual capacity,)	
CHRISTINA WILLIAMS, in her)	
individual capacity, KELLY ARLOS,)	
in his individual capacity, JAMIE)	
WINFREY, in her individual capacity,)	
HAROLD MANAOIS, in his individual)	
capacity, KEANA BROWN,)	
in her individual) capacity, AND)	
THE COUNTY OF)	
MAUI,)	
)	
Defendants.)	
)	

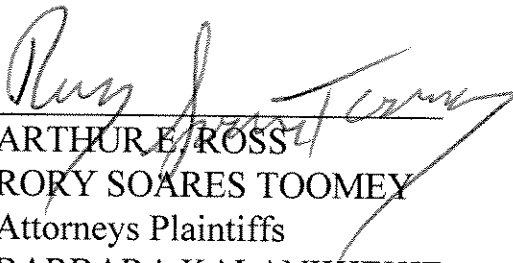
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 6, 2006 a copy of the attached document was served by United States Mail, first class postage prepaid upon:

MOANA MONIQUE LUETY
200 S. HIGH STREET
WAILUKU, HAWAII 96793

Attorney for Defendant
COUNTY OF MAUI

DATED: Honolulu, Hawaii, June 6, 2006



ARTHUR E. ROSS
RORY SOARES TOOMEY
Attorneys Plaintiffs
BARBARA KALANIKIEKIE
KAAPUNI, JON HANS
KAAPUNI, Sr., PAMELA
NOHOLANI KAAPUNI, JON
HANS KAAPUNI, Jr., FALLON
KALANIKIEKIE KAAPUNI,
AND TYRAH NOHOLANI
KAAPUNI by her best friend
JON HANS KAAPUNI, Sr.